IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and
HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO : 18438 of 2004

Between:

1 B.M. Mallik S/o B.S. Naidu
R/o Siripuram Junction, Visakhapatnam
2 Y. Vineet Kumar S/i Y. Babji
R/o Ram Nagar, Visakhapatnam
3 M. Prakash S/o M. Guru Murthy
R/o 20-3-28, Peda Gantiyada, Visakhapatnam
4 Y. Naresh S/o Y. Samudram
R/o Gajuwaka, Visakhapatnam
5 M. Ramalakshmi D/o M. Guru Murthy
R/o 20-3-28, Pedagantyada, Visakhapatnam-44
6 P. Vijaya Mohan S/p P. Brahmanandam
R/o Srinivasa Street, Marripalem Visakhapatnam-18
7 B. Anil Paul S/o B. Ananda Rao
R/o MVP Colony, Visakhapatnam
8 L.Satish Kumar S/o L. Vykunta Rao
R/o Bhimili, Visakhapatnam District
9 A. Anil Kumar S/o Ramakrishna Rao

R/o MVP Colony, Visakhapatnam
10. M.Annapurna D/o M. Sanyasi Naidu
R/o Pendurthi, Visakhapatnam District
11 Issac Martin S/o S.S.R.I. Bahadur
R/o H.B. Colony, Visakhapatnam
12 K. Ramana Rao S/o K. Kanna Rao
R/o Gajuwaka, Visakhapatnam

13 K. Vinay Kumar S/o K.V. Dora
R/o Cosmos Enclave, Akkayyapalem, Visakhapatnam
14 Md. Qasim Razvi S/o Md. Tajuddin
R/o Marwadi Street, Vizianagaram
15 Md. Khaleelur Rehman S/o M.A. Latiff
R/o Flat No. 4, Ramana Arcade, Abid Nagar,
Akkayyapalem, Visakhapatnam
16. U.A. Raju S/o U.K. Rao
R/o Sivajipalem, Visakhapatnam
17 Md. Ismail S/o Mohd. Shoukat
R/o Near New Mosque, Cantonment Vizianagaram
18 N. Kiran S/o N.V. Bhaskara Rao
r/o Visakhapatnam
19 D. Anil Kumar S/o D. Chinna Rao
R/o Visakhapatnam
20 P. Rajasekhar S/o P. Yellaiah
r/o D. NO. 33-14-148/1, Bhagat Singh Road, Allipuram
Visakhapatnam
21. Sanjay Kumar S/o M.E. Naidu
r/o D. NO. 33-14-148/1, Bhagat Singh Road, Allipuram
Visakhapatnam
22. K. Shiva Kumar S/o K. Brahmananda Rao
r/o Qr. No. 106, LIG II Diary Farm, Pedagantyada,
Visakhapatnam
23 G.J. R. Satish S/o G. Narayana Rao
R/o Visakhapatnam

..... PETITIONERS

AND

1 Jawaharlal Nehru Technological University, Kukatpally,
Hyderabad-500 072, rep by its Registrar.
2 Gayathri Vidya Parsihad College of Engineering
Madhurawada, Visakhapatnam-41,
rep by Correspondent
3 Al Ameer College of Engineering and information
Technology, Gudilova, Viskahapatnam, rep. by
Correspondent

4 Paida College of Engineering and Technology,
Gambeeram, Visakhapatnam, rep by Correspondent.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declare the detention system in B.Tech (Regular) Four Year Degree Course (Revised) Academic Regulations, framed by the 1st Respondent, more particularly 7(ii) to 7(iv) as amended and communicated vide University Order No. 1307/2004 dated 4-6-2004 issued by the 1st Respondent and the consequential detention of the petitioners in 3rd and 4th years of the Engineering Courses as communicated by the 1st Respondent University vide proceedings dated 4-8-2004 as manifestly arbitrary and unreasonable, offending Article 14 of the Constitution of India and strike down the same as such, by issue of a Writ, order or direction, more particularly one in the nature of Writ of Mandamus, with a consequential direction to the Respondents to promote the petitioners to the next years of the engineering course.

Counsel for the Petitioners : MR.D.V.SITARAMAMURTHY

Counsel for the Respondent No.1 : Mr. C.KODANDA RAM.

Counsel for the respondent Nos. 2 to 4: None appeared.

The Court made the following :

ORAL ORDER:

(Per Hon'ble The Chief Justice)

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1. Petitioners – students, who are undergoing B.Tech (Regular) Four Year Degree Course (Revised) in Jawaharlal Nehru Technological University, have filed this writ petition questioning the legality and validity of Regulations 7(ii) to 7(iv) as amended and communicated vide University Order No.1307/2004 dated 04.06.2004 and consequential detention of the petitioners in 3rd and 4th years of the Engineering Course as illegal and arbitrary.

2. In nutshell petitioners allege that detention system adopted by the respondent – University in mid-course results in a student to undergo the course again along with his juniors thereby subjecting them to a study of revised courses. Reference has been made to the Regulations stating that B. Tech Degree is awarded to a student who fulfils the following academic regulations.

i. He has pursued a course of study for not less than four academic years and not more than eight academic years.

ii. He has registered for and studied all the subjects for a total of 212 credits and secured all the 212 credits.

It is stated that students who fail to fulfil all the academic requirements for the award of the degree within eight academic years from the year of their admission, shall forfeit their seat in the course and accordingly they question Regulation 7 (ii) to 7(iv) as being illegal and arbitrary.

3. Regulation 7 deals with minimum academic requirements and reads as follows:

" 7. Minimum Academic Requirements:

The following academic requirements have to be satisfied in addition to the attendance requirements mentioned in item no.6.

i. A student shall be deemed to have satisfied the minimum academic requirements and earned the credits allotted to each theory or practical design or drawing subject or project if he secures not less than 35% of marks in the end examination and a minimum of 40% of marks in the sum total of the internal evaluation and end examination taken together.

ii. A student shall successfully complete all the I year subjects from 3 regular consecutive examinations and 3 supplementary consecutive examinations of I year from the date of admission. If he has failed to do so, he shall forfeit the seat in course and his seat shall stand cancelled.

iii. A student shall be promoted from II to III year only if he fulfils the academic requirement of 56 credits from the consecutive regular and supplementary examinations of I year and from the regular examination of II year I semester irrespective of whether the candidate takes the examination or not.

iv. A student shall be promoted from third year to fourth year only if he passes all the subjects of I year and fulfils the academic requirements of total 100 credits (including 56 credits of I year) from the examinations.

a. Two regular and Two supplementary examinations of I year.

b. Two regular and one supplementary examinations of II Year I

semester.

c. One regular and one supplementary examinations of II Year II Semester.

d. One regular III year I Semester examination.

v. A student shall earn all the 212 credits offered as indicated in the course structure.

vi. Students who fail to earn all the 212 credits offered as indicated in the course structure within eight academic years from the year of their admission shall forfeit their seat in the course and their seat shall stand cancelled.

4. Petitioners allege that once having got admitted, they will be entitled to complete the course within the outer-limit of 8 academic years and no such embargo should be placed by detaining them in a particular year of study i.e., either in II year or in III year. In other words, their challenge is to the mid-term detention during 8 years.

5. On a bare reading of the Regulations aforementioned, we do not find any illegality or arbitrariness. After all, in all such academic matters, how the students should pursue their course of study is a matter to be decided by the administration of the University and not by the Courts. A reading of the Regulation which says that 8 academic years would be an outer-limit is not too rigid which needs to be elaborated by further Regulations. Minimum academic requirements do prescribe that a student before proceeding to next Semester must show his proficiency requirement. It is not that a student will continue to remain unqualified in I Semester and II Semester and would continue to study even 4^{th} year and would be in a position to clear all the subjects in one attempt in 8^{th} academic year. The purpose of mid-term detention, in our view, is a wholesome purpose to ensure educational standards. Students in case permitted to pursue a regular study of the subsequent year, it curtails proficiency in their earlier academic years and

thus we do not find any illegality or irregularity in the Regulations and find no substance in the writ petition, which is liable to be dismissed.

6. In the result, writ petition is dismissed. No costs.

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DEVINDER GUPTA. C.J.,

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C.V. RAMULU. J.,

Dated: 25.10.2004.

VRK.

To

1 The Registrar, Jawaharlal Nehru Technological University, Kukatpally, Hyderabad.
2. Two CD copies.

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE C.V. RAMULU.

W.P.NO. 18438 OF 2004.

(Order of the Bench delivered by

Hon'ble The Chief Justice)

Dt: 25.10.2004.